



General Assembly

January Session, 2009

Raised Bill No. 1044

LCO No. 3464

03464_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING MEDIATION IN LAND USE DISPUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section, "mediation" means the process where the
4 parties in an appeal filed under section 8-8, 22a-34 or 22a-43 meet with
5 an impartial third party to work toward resolution of the issues in the
6 decision that was the subject of the appeal in accordance with
7 generally accepted principles of mediation.

8 (b) At any time after filing of the appeal, the parties may agree to
9 mediate the decision that was appealed. The parties shall file a
10 statement advising the court that the dispute may be resolved by
11 mediation. Mediation shall take place with the consent of each party.
12 The Chief Court Administrator shall prepare a list of organizations
13 that may approve members to act as mediators in disputes where the
14 parties agree to mediation under this section. Any organization may be
15 placed on the list if the administrator determines that the organization
16 provides applicants who are members training in mediation and all

17 relevant aspects of the law. Any organization on the list may establish
18 a process of certification for a member to be a mediator under this
19 section.

20 (c) Mediation shall begin on the date the statement is filed under
21 subsection (b) of this section and conclude not more than one hundred
22 eighty days after such filing. Such period may be extended for an
23 additional one hundred eighty days upon mutual agreement of the
24 parties. A party may submit a petition to the court requesting another
25 extension or stating why no other extension should be granted. The
26 court, in its discretion, may extend the time for mediation after the
27 second period of one hundred eighty days has elapsed. A party may
28 withdraw from mediation at any time after notification to other parties
29 and to the Superior Court.

30 (d) The contents of mediating sessions shall not be admissible as
31 evidence. A mediator shall not act as or be summoned as a witness in a
32 court proceeding on an appeal if mediation has not resolved the issues
33 of the appeal.

34 (e) A mediator may request the participation in mediation of any
35 person deemed by the mediator necessary for effective resolution of
36 the issues, including representatives of governmental agencies not a
37 party to the action, abutting property owners, intervenors or other
38 persons significantly involved in the decision being appealed.

39 (f) Not more than fifteen days after the conclusion of mediation, the
40 mediators shall file a report with the court describing the proceedings
41 and specifying the issues resolved. If no resolution is made, the
42 mediators shall file a report with the court stating that the issues have
43 not been resolved.

44 (g) The cost of mediation shall be distributed equally among the
45 parties.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2009</i>	8-8a
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Statement of Purpose:

To require the Chief Court Administrator to prepare a list of organizations that provide training in land use mediation to authorize such organization to certify mediators in appeals of local land use decisions.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]